

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jean-Francois Viens GROUP: Unknown

SERIAL NO: 10/098,577 EXAMINER: Unknown

FILED: March 14, 2002

FOR: SUPERSTRUCTURE PHOTONIC BAND-GAP
GRATING ADD-DROP FILTER

Office of Petitions
Assistant Commissioner of Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

Box Omitted Items

PETITION REGARDING NOTICE OF OMITTED ITEMS

Applicant respectfully contends that the items listed on the Notice of Omitted Items mailed April 17, 2002 were in fact deposited in the U.S. Patent and Trademark Office with the nonprovisional application papers filed on March 14, 2002. Specifically, Figs. 3, 4 and 5 were included in the application as filed.

Applicant submits herewith evidence to corroborate the above statements. Included are true copies of certain of the application papers as filed on March 14, 2002, including the cover sheet (1 page), specification (21 pages) and drawings (10 pages), and the application

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL625088353US addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 4/25/02

Debbie Costello
Debbie Costello

04/30/2002 HNDXAMH1 00000060 10098577

01 FC:122 130.00 OP

Adjustment date: 06/18/2002 AKELLEY

04/30/2002 HNDXAMH1 00000060 10098577

01 FC:122 Ref: 06/18/2002 AKELLEY 00000060

DAK:190079 Name/Number:10098577

FC: 704 \$130.00 CR

transmittal form (3 pages). Also included is a true copy of the USPTO stamped return postcard receipt.

The application as filed included 22 pages of coversheet and specification, and 10 pages of drawings, totaling 32 pages. The application transmittal form lists 22 pages of specification and coversheet, and 10 pages of drawings, totaling 32 pages.

The stamped return postcard receipt lists in item 1 to include the application having "Pgs: 32/Spec., Clms., Abst., & Drwgs.: 31/Coverpage:1/".

Accordingly, Applicant contends that Figs. 3, 4 and 5 were included in the application papers filed on March 14, 2002, and is supported by the stamped return postcard receipt from the U.S. Patent and Trademark Office.

A check for the petition fee of \$130.00 is also enclosed. In the event that further fees are required in connection with this petition, authorization is hereby given to Charge Deposit Order Account No. 19-0079 for any further fee that may be required in connection with this petition.

Applicants respectfully request, therefore, that the filing date for the above referenced patent application, including Figs. 3, 4 and 5, be accepted as March 14, 2002.

Respectfully submitted,



Matthew E. Connors
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Telephone: (617) 426-9180
Extension 112

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REQUEST FOR PATENT FEE REFUND

1 Date of Request: 5/24/022 Serial/Patent # 10/098,577

3 Please refund the following fee(s):

4 PAPER
NUMBER5 DATE
FILED

6 AMOUNT

Filing

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Amendment

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Notice of Appeal/Appeal

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X Petition

3

4/25/02

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7 TOTAL AMOUNT
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8 TO BE REFUNDED BY:

10 REASON:

Overpayment

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X No Fee Due (Explanation):

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Credit Deposit A/C #:

9 19--0079

Postcard receipt proves drawings filed w/ original app.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: E. Shirene WillisTITLE: Petitions AttorneySIGNATURE: E. Shirene WillisPHONE: 308-6712OFFICE: Office of Petitions*****
THIS SPACE RESERVED FOR FINANCE USE ONLY:APPROVED: Cherise KellyDATE: 6/18/02

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B